

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAN 28 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BOYCE D. BURTS, JR.

Application No. 09/296,217

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 9, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On December 14, 1999, appellant filed an amendment (Paper No. 6). On May 7, 2002, appellant filed an Appeal Brief (Paper No. 21). On July 16, 2002, the examiner entered an Examiner's Answer (Paper No. 22). The ^{examiner} indicates on page 3, section (8) of the Answer that "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, a review of the Appendix to the Brief reveals that claims 4 and 6 are not the correct copies according to the latest amendment filed on

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December 14, 1999 (Paper No. 6).

Accordingly, it is

ORDERED that the application is returned to the examiner for notifying appellant to submit a corrected Appendix to the Brief, or for the examiner to submit a correct copy of claims 4 and 6 on appeal, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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